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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/651,586	08/29/2003	Dennis York	TRMB1412	9289
7590 07/26/2006				
WAGNER, MURABITO & HAO LLP Third Floor Two North Market Street San Jose, CA 95113			EXAMINER PEYTON, TAMMARA R	
			ART UNIT 2182	PAPER NUMBER

DATE MAILED: 07/26/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b> 10/651,586	<b>Applicant(s)</b> YORK, DENNIS	
	<b>Examiner</b> Tammara R. Peyton	<b>Art Unit</b> 2182	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 26 May 2006.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-20 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

### **DETAILED ACTION**

Applicant's request for reconsideration of the finality of the rejection of the last Office action is persuasive and, therefore, the finality of that action is withdrawn.

#### ***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1-19 are rejected under 35 U.S.C. 103(a) as being unpatentable over Dickie (US 6,798,647).

As per claim 1, Dickie teaches a processing unit (PDA, 102) for an electronic instrument

comprising:

a signal/data processor (figure 4, element 400);

an exposed external electrical contact (304) for receiving electric power input (using interface 404 to 414 via communication channel 420);

an exposed external electrical contact (304) for receiving an electric signal input (using interface 404 to 414 via communication channel 420);

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an exposed external electrical contact for (304) transmitting an electrical signal output (using interface 404 to 414 via communication channel 420); and

a housing (102) comprising mechanical retention features for securely attaching a battery/input/output module. (see figure 4, housing of PDA 102 securely attaches to battery/input/output module 104, col. 3, lines 62-col. 4, lines 1-47)

As per claims 2-4, 6, and 7, Dickie teaches wherein said processing unit comprises a memory (402), keypad (206), microprocessor (400), and touch panel display (Fig. 4, 204).

As per claim 5, Dickie teaches wherein the contacts may be sealed through the attachment of a cover to the surface of said housing.

As per claim 8, Dickie teaches a portable battery/input/output module (portable computer, 104) for a portable electronic instrument comprising:

a storage device (Fig. 4) for electric energy;

an exposed external electrical contact (310, Fig. 3) for transmitting electric power; (using interface 414 to 404 via communication channel 420);

an exposed external electrical contact (310, Fig. 3) for receiving an electric signal input; (using interface 414 to 404 via communication channel 420);

an exposed external electrical contact (310, Fig.3) for transmitting an electrical signal output; (using interface 414 to 404 via communication channel 420);

a housing (120, Fig.1) comprising mechanical retention features for securely

attaching a processing unit.(cols. 2-5)

As per claim 9, Dickie teaches wherein the contacts may be sealed through the attachment of a cover to the surface of said housing.

As per claim 13 and 14 Dickie obviously teaches further comprising an embedded inductive charger for said energy storage device (col. 4 lines 4-11).

As per claim 15-19, Dickie teaches a processing unit coupled to a battery/input/output module, please see rejection for claims 1 and 8 above.

Claim 20 is rejected under 35 U.S.C. 103(a) as being unpatentable over Dickie (US 6,798,647) and Kamijo et al., (US 6,538,880) or Ross (5,859,628), previously cited.

As per claim 20, Dickie does not expressly teach of said portable electronic instrument comprises a GPS, however, Kamijo teaches a portable electronic instrument that exchanges data and has the ability to charge the battery of the instrument wherein the instrument comprises GPS. It would have been obvious to one of ordinary skill at the time the invention was made that Dickie would have been motivated to implement other types of application program includes a GPS application program as taught by Kamijo because doing so would add and expand the flexibility of Dickie's portable electronic instrument. Further, Ross teaches a portable electronic instrument that comprises a GPS and it would have been obvious to one of ordinary skill that Dickie would have been motivated to implement other types of application program includes a

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GPS application program as taught by Ross because doing so would add and expand the flexibility of Dickie's portable electronic instrument.

**Conclusion**

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Tammara Peyton whose telephone number is (571) 272-4157. The examiner can normally be reached between 6:30 - 4:00 from Monday to Thursday, (I am off every first Friday), and 6:30-3:00 every second Friday. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Kim Huynh can be reached on (571) 272-4147. The fax phone number for the organization where this application or proceeding is assigned is (571) 273-8300. Any inquiry of a general nature of relating to the status of this application should be directed to the Group receptionist whose telephone number is (571) 272-2100.

Mailed responses to this action should be sent to:

Commissioner of Patents and Trademarks  
Washington, D.C. 20231.

Faxes for Official/formal (After Final) communications or for informal or draft communications (please label "PROPOSED" or "DRAFT") sent to:

(571) 273-8300

Hand-delivered responses should be brought to:

USTPO, Randolph Building, Customer Service Window  
401 Dulany Street  
Alexandria, VA 22314.

**TAMMARA PEYTON  
PRIMARY EXAMINER**

A handwritten signature in cursive script, appearing to read 'Tammara Peyton', written in black ink.

Tammara Peyton

July 20, 2006